

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL DAVITT,)
) 3:07-CV-00578-ECR-RAM
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: March 11, 2009
)
TIM VIDRINE, et al.,)
)
)
Defendants.)
_____)

PRESENT: _____ EDWARD C. REED, JR. _____ U. S. DISTRICT JUDGE

Deputy Clerk: _____ COLLEEN LARSEN _____ Reporter: _____ NONE APPEARING

Counsel for Plaintiff(s) _____ NONE APPEARING

Counsel for Defendant(s) _____ NONE APPEARING

MINUTE ORDER IN CHAMBERS

On February 10, 2009, the Magistrate Judge filed a Report and Recommendation (#44) recommending that Defendants' Motion to Dismiss (#16) be granted except as to Count IV and that Plaintiff should be permitted to refile his complaint so that the claims in Count IV could be considered by the Court. The Complaint (#4) as filed is missing page 6B; thus, analysis of whether Count IV stated a plausible claim for relief could not be conducted.

Plaintiff's Objections (#45) to the Report and Recommendation (#44) are not well taken and are overruled.

IT IS, THEREFORE, HEREBY ORDERED that the Report and Recommendation (#44) is **APPROVED** and **ADOPTED**. **IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss (#16) is **GRANTED** except as to Count IV.

Plaintiff shall have fifteen (15) days within which to refile his complaint with all pages so that Count IV can be viewed. Thereafter, Defendants shall have twenty (20) days within which to respond to Count IV of the complaint.

LANCE S. WILSON, CLERK

By _____ /s/
Deputy Clerk